

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DONNA HINES,

No. C-07-4145 CW (EMC)

Plaintiff,

v.

**ORDER GRANTING DEFENDANT'S
MOTION TO COMPEL**

CALIFORNIA PUBLIC UTILITIES
COMMISSION, *et al.*,

(Docket No. 262)

Defendants.

Defendant the CPUC has filed a motion in which it asks the Court to compel Plaintiff Donna Hines to respond to certain discovery. Having considered the parties' briefs and accompanying submissions, as well as the oral argument of counsel and Ms. Hines, proceeding pro se, the Court hereby **GRANTS** Defendant's motion.

(1) Ms. Hines shall respond to the questions propounded at her deposition which she refused to respond on the basis of attorney-client or work product privilege. As the Court noted at the hearing, Ms. Hines's assertion of the privileges was improper. The questions posed by the CPUC simply asked Ms. Hines about the underlying facts of the case, matters which are not privileged. Ms. Hines's deposition shall take place by March 26, 2010. At the deposition, the CPUC may ask reasonable follow-up questions.

(2) Ms. Hines shall serve responses to the written discovery (interrogatories and document requests) such that they are **received** by the CPUC no later than 9:00 a.m. of March 30, 2010. Any documents shall also be produced such that they are **received** by the CPUC by that time. Ms. Hines is forewarned that all nonprivileged, responsive documents in her possession, custody, or

1 control must be produced at that time. If she subsequently produces additional documents, she bears
2 the risk that they may be excluded from trial. *See* Fed. R. Civ. P. 37(b)-(d). Ms. Hines is also
3 forewarned that, under Federal Rule of Civil Procedure 34, she is not permitted to describe
4 responsive documents in lieu of producing them, at least absent an agreement by Defendant or an
5 order of the Court. *See* Fed. R. Civ. P. 34(b)(2)(E)(i) (requiring a party to “produce documents as
6 they are kept in the usual course of business” or to “organize and label them to correspond to the
7 categories in the request”). *Compare* Fed. R. Civ. P. 26(a)(1)(ii) (for initial disclosures, allowing a
8 party to describe by category and location documents in the party’s possession, custody, or control
9 that it may use to support its claims or defenses).

10 This order disposes of Docket No. 262.

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12 IT IS SO ORDERED.

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14 Dated: March 19, 2010

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17 EDWARD M. CHEN
18 United States Magistrate Judge
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